

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12431 of 2004

Between:

V. Prabhakar Chowdary S/o. Vaenkata Subbaiah
Anantapur.

..... PETITIONER

AND

- 1 Dy. Inspector General of Police, Anantapur.
- 2 Superintendent of Police, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, Order or direction, declaring the action of the Respondents in not providing gunmen to the petitioner as illegal, arbitrary and violative of Art.14 of the Constitution of India by directing the Respondents to forthwith provide Gunmen to the petitioner, as per his representation dt. 18.6.2004 Award costs.

Counsel for the Petitioner:MR.N.RANGA REDDY

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

ORDER:

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondents in not providing Gunmen to the petitioner, as arbitrary and illegal. The petitioner states that he is a reputed politician of Ananthapur District and he was the District Youth Congress President in the year 1983 and State Youth Congress General Secretary in the year 1985 and he also held several other posts. It is stated that in his long political career there are number of political rivals and he had direct confrontation with some of the members of the Legislative Assembly and he received number of threatening calls from Naxals and there is life threat in the hands of his political rivals. He states that recently, the Gunmen provided to him were withdrawn and therefore, he is unable to move around the villages and move with the public. He also states that he made a detailed representation to the second respondent on 18.6.2004 requesting to provide protection but there is no response. Hence, this writ petition.

On behalf of the respondents, a detailed counter affidavit is filed stating that during the political career of the petitioner, there was not even a single incident posing threat to his life and personal safety and no such incident was brought to the notice of the authorities. Except political rivalry, the other allegations made by the petitioner were all denied and it is stated that the representation said to have been made by the petitioner on 18.6.2004 was duly considered and found no merits for acceding to the request for providing Gunmen to the petitioner. It is also stated that the withdrawal of the Gunmen was also done due to the fact that a review of the situation did not reveal any tangible reason to continue Gunmen to the petitioner. Thus it is stated that the question of providing Gunmen to the petitioner does not arise.

In the light of the averments of the counter affidavit and since the representation of the petitioner dated 18.6.2004 has already been considered and found that there were no merits in the request of the petitioner for providing Gunmen, the relief as prayed for by the petitioner cannot be granted. However, I deem it appropriate to direct the respondents to communicate the reasons for rejecting the representation of the petitioner dated 18.6.2004 within two weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved, it is open to him to

institute necessary proceedings afresh.

With the above observations, the writ petition is disposed of. No costs.

G. ROHINI, J.

13th August 2004

Tsr.

To

1 The Dy. Inspector General of Police, Anantapur.

2 The Superintendent of Police, Anantapur.

3 Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad.
(OUT).

4 Two CD copies.